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8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10

11 PEDRO RODRIGUEZ,

12 Plaintiff,

13 vs.

14 OFFICER CHRIS SANCHEZ,  
 REDWOOD CITY ADULT PROBATION,  
 15 MUNICIPALITY OF REDWOOD CITY,

16 Defendant.

Case No. CV 14 0062 RS

**DEFENDANT'S REQUEST FOR  
 POSTPONEMENT OF CASE  
 MANAGEMENT CONFERENCE AND ADR  
 PROCESS SELECTION; DECLARATION  
 OF DAVID A. LEVY IN SUPPORT  
 THEREOF; [~~PROPOSED~~] ORDER**

17 Defendant DEPUTY PROBATION OFFICER CHRIS SANCHEZ request that the Court  
 18 postpone the Case Management Conference in this matter currently set for April 10, 2014 at 10:00 a.m.,  
 19 and requests postponement of the time to select a proposed ADR process.

20 The request is made on ground that defendant's Motion for Summary Judgment and/or Summary  
 21 Adjudication hearing is set for April 17, 2014 in this Court, and that may well either eliminate the need  
 22 for a Case Management Conference or Alternative Dispute Resolution process, or significantly impact  
 23 the scope of either proceeding, depending on the Court's ruling on the motion. Further, postponing the  
 24 Case Management Conference and a determination of ADR process may well conserve both judicial  
 25 resources as well as those of the parties.

26 Plaintiff has been unwilling to stipulate, despite exchange of numerous e-mails discussing the  
 27 issue. At one point plaintiff agreed to stipulate to postpone the determination as to the ADR process, but  
 28 did not expressly state his agreement to request continuance of the Case Management Conference. This

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1 morning, he advised that he thought “a positive recommendation from the mediator will would have  
2 some weight with the judge’s decision on summary judgment.” Defense counsel tried to explain that  
3 mediation was completely independent of summary judgment, but he would not change his mind. In  
4 fairness, plaintiff is not an attorney and is representing himself, and so he may not understand completely  
5 how either process works. Defendant’s counsel explained that this request would be made, and that  
6 plaintiff’s position would be conveyed, and plaintiff thanked defense counsel for doing so.

7 There has been no previous request for continuance of the Case Management Conference or  
8 determination as to ADR process. Defendant submits that this will not delay the litigation in the case,  
9 and may result in a reduction of time and expense by the Court and parties.

10 Wherefore, it is requested that the Court continue the Case Management Conference for  
11 approximately 30 days, consistent with the Court’s calendar, and postpone the parties’ requirement to  
12 agree upon an ADR Process, or institute a telephone conference with the Court’s ADR staff until  
13 approximately 15 days prior to the new Case Management Conference Date.

14 Dated: April 3, 2014

JOHN C. BEIERS, COUNTY COUNSEL

15  
16 By: \_\_\_\_\_ /s/  
17 DAVID A. LEVY

18 Attorneys for Defendant  
19 OFFICER CHRIS SANCHEZ

20 **DECLARATION OF DAVID A. LEVY**

21 DAVID A. LEVY declares:

22 1. I am an attorney at law licensed to practice in the United States District Court for the  
23 Northern District of California, and all California courts, and am attorney of record for defendant Officer  
24 Chris Sanchez herein.

25 2. The Court ordered a Case Management Conference in the instant matter to be held on  
26 April 10, 2014 at 10:00 a.m. in the matter, a date which triggers meet and confer and filing requirements.

27 3. A Summary Judgment and/or Summary Adjudication hearing is set for April 17, 2014 at  
28 1:30 p.m. in this court.



1 **ORDER**

2 The foregoing stipulation is hereby made an order of the court. The Case Management  
3 Conference currently set for April 10, 2014 shall be continued to May 8, 2014 at 10:00 a.m.  
4 The parties will not be required to select an ADR process until further notice from the Court.

5  
6 Dated: 4/4/14



7 The Honorable Richard Seeborg  
8 Judge of the U.S. District Court